

### REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 18-56 are currently pending. Claims 18-24 and 26-56 have been amended by the present Amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.<sup>1</sup>

Initially, it is noted that Claims 38-55 have been amended to recite a “non-transitory” computer-readable storage medium to address U.S. Patent and Trademark formalities only. The use of the term “non-transitory” is a limitation of the medium itself (i.e., tangible, not a signal) as opposed to a limitation on data storage persistency (e.g., RAM vs. ROM).

In the outstanding Office Action, Claims 18-33 and 35-56 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0009667 to Horiuchi et al. (hereinafter “Horiuchi”); and Claim 34 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Further, the Advisory Action maintains the outstanding rejections of the claims.

Applicant gratefully acknowledges the indication that Claim 34 includes allowable subject matter.

### REJECTION UNDER 35 U.S.C. § 102

Amended Claim 18 is directed to an information processing apparatus, comprising:

a network communication unit configured to download  
first content data from an external server over a communication  
network;

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<sup>1</sup> See, e.g., paragraphs [0034] and [0100] of the originally filed specification; also see Figs. 9 and 11.

a memory configured to store the first content data downloaded from the external server and second content data read locally from an information recording medium;

a control unit configured

to automatically register, without user operation, identification information of the downloaded first content data to a first content group, and

to control a display unit to display a first graphical representation of the first content group and a second graphical representation of a second content group including identification information of the second content data, the second graphical representation being different from the first graphical representation; and

a communication unit configured to communicate with an information reproducing apparatus, and to transfer to the information reproducing apparatus the downloaded first content data by selecting the downloaded first content data corresponding to the identification information included in the first content group.

Regarding the rejection of Claim 18 under 35 U.S.C. § 102(e), Horiuchi is directed to a data terminal device and program facilitating distribution of content data that must be deleted when transmitting the obtained content data to another apparatus while protecting copyright thereof, and a recording medium recorded with such a program.<sup>2</sup> The Office Action apparently cites the Horiuchi controller 1022 for teaching the claimed “control unit.”<sup>3</sup>

However, it is respectfully submitted that Horiuchi at least fails to disclose a control unit configured to control a display unit to display a first graphical representation of the first content group and a second graphical representation of a second content group including identification information of the second content data, the second graphical representation being different from the first graphical representation. Rather, as cited in the Office Action, Horiuchi simply discusses that the controller 1022 provides **various visual information** on a display 1020 according to the executed program **to reproduce a particular content data**

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<sup>2</sup> See Horiuchi, paragraph [0002].

<sup>3</sup> See Office Action dated March 31, 2010, page 3.

**Dc.<sup>4</sup> Horiuchi** does not disclose that the various visual information provided on the display 1020 includes *a first graphical representation of a first content group (including identification information of downloaded first content data) and a second graphical representation (different from the first graphical representation) of a second content group (including identification information of second content data)*, as now defined in Claim 18.

Accordingly, it is respectfully submitted that Claim 18 (and all associated dependent claims) patentably defines over Horiuchi.

Amended Claims 38 and 56 recite, *inter alia*,

controlling, by the control unit, a display unit to display a first graphical representation of the first content group and a second graphical representation of a second content group including identification information of the second content data, the second graphical representation being different from the first graphical representation.

As noted above, Horiuchi fails to at least disclose the control unit of Claim 18. Thus, Horiuchi fails to disclose the controlling step of Claims 38 and 56, respectively.

Accordingly, it is respectfully submitted that Claims 38 and 56 (and all associated dependent claims) patentably define over Horiuchi.

### CONCLUSION

Thus, it is respectfully submitted that independent Claims 18, 38, and 56 (and all associated dependent claims) patentably define over Horiuchi.

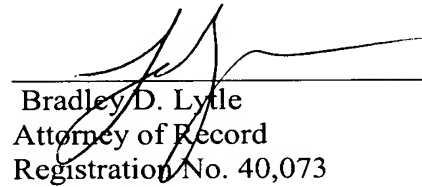
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<sup>4</sup> See Horiuchi, paragraph [0156].

Consequently, in view of the present amendments and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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